

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MANUEL SALAS,

Plaintiff,

v.

ORDER

09-cv-237-slc

GREGORY GRAMS, LORI ALSUM,
JAMES GREER, GLORIA MARQUARDT,
CYNTHIA THORPE, DALIA SULIENE,
R.N. KETARKUS, PAUL PERSSON,
and STEVE HELGERSON,

Defendants.

In an order entered June 3, 2009, I granted plaintiff Manuel Salas leave to proceed in forma pauperis on his claims that defendants violated his Eighth and Fourteenth Amendment rights by discussing or approving the discussion of his private medical information in the presence of other inmates and staff, and violated his Eighth Amendment rights by failing to protect him from a substantial risk of serious self-harm. Now before the court is plaintiff's third motion for release of legal materials.

I understand plaintiff to be asking the court to order the defendants to allow him to have all his personal legal materials in his cell in the segregation unit at the institution. In their

response to plaintiff's motion, defendants state that upon his arrival at the Racine Correctional Institution, plaintiff was given an opportunity to choose which of his personal legal materials he wanted to keep in his cell. He kept approximately half of his documents, which filled two 14" x 14" x 14" boxes.

According to Wis. Admin. Code DOC § 309.20(3)(f), inmates are allowed one 20" x 20" x 20" box of legal documents in his cell. However, an inmate may ask for an extension of the limit. In addition, an inmate may ask to exchange documents he has in his cell for documents that are kept in storage. In their response, defendants assert that plaintiff has not taken advantage of these opportunities and that they are willing to provide plaintiff one opportunity to exchange documents in his cell for additional documents that he needs to prosecute this case. Plaintiff has failed to reply to defendants' response. Therefore, it is premature for him to ask for relief from the court. I will deny his third motion for release of legal materials.

ORDER

IT IS ORDERED that plaintiff's third motion for release of legal materials, dkt. #45, is DENIED.

Entered this 5th day of October, 2009.

BY THE COURT:
/s/

BARBARA B. CRABB
District Judge